

3 PERSONAL CONDUCT

3.1 PROFESSIONAL CONDUCT & RESPONSIBILITIES

Knowledge of Laws & Regulations

Employees are required to establish and maintain a working knowledge of all appropriate State laws, all laws and regulations of the Department, all Orders and Directives of the Department and Divisions thereof, and the City of Long Beach Civil Service Rules and Regulations. In the event of improper action or breach of discipline, it shall be assumed that the employee was familiar with the law, rule, or policy in question.

Obedience to Laws & Regulations

Employees are required to obey all State laws, all laws and regulations of the Department, all Orders and Directives of the Department and Divisions thereof, and the City of Long Beach Civil Service Rules and Regulations. Employees shall have all the duties, obligations, responsibilities, and rights assigned to them by law, including the Memorandum of Understanding.

Authority for Enforcing Obedience

Pertaining to the knowledge of and obedience to laws and regulations, the disciplinary process is influenced by, and the authority for the enforcement of the preceding, is found specifically in Article III, Section 302, of the Long Beach City Charter, and Article VIII, Sections 75 and 76 of the Civil Service Rules and Regulations, which states in part as follows:

- **Powers and Duties of the City Manager**

Article III, Section 302, Long Beach City Charter: "The City Manager shall have the following powers and duties: (b) To appoint, suspend and remove all City employees in both the classified and unclassified service; except for the classified service, such powers shall be pursuant to the Civil Service provisions of this Charter, Civil Service rules, regulations and ordinances; and except the City Clerk's Department and the elective officers and their appointees and such officers and employees as shall be subject to appointment by the City Council."

- **Specific Charges**

Article VII, Section 75, Civil Service Rules and Regulations: "Prior to suspending, dismissing or demoting a permanent classified employee for disciplinary reasons, the appointing authority or his/her designated representative shall afford the employee an opportunity to respond to the allegations that caused the disciplinary action to be considered. Should the employee fail to provide sufficient reasons to cause a reconsideration of the contemplated discipline, a written letter of charges, which shall set forth the acts or omissions with which the employee is

charged, shall be served upon the employee by, or on behalf of, the appointing authority. The letter of charges shall cite the rules and/or regulations the employee is alleged to have violated. Service of the letter of charges may be accomplished by either personally delivering a copy to the employee or by mailing a copy via certified United States Mail with a return receipt. The letter of charges shall inform the employee of his or her right to appeal the disciplinary action to the Civil Service Commission and shall advise the employee that a written notice of appeal must be filed with the Commission: (1) no later than 10 days after the date the letter of charges was personally delivered; or (2) no later than 10 days after the date of delivery recorded on the certified mail return receipt; or (3) not later than 25 days after the date of mailing if the certified mail return receipt is not returned and the letter of charges was mailed to the employee's address on file."

- **Employee Appeal of Discipline Imposition**

Article VII, Section 76, Civil Service Rules and Regulations: "With the exception of summary suspensions under Section 87, any permanent employee who is suspended, dismissed, or demoted for disciplinary reasons or pursuant to Section 40, shall be entitled to an appeal under Section 1103 of the City Charter and/or these Rules. If an employee desires to appeal, he/she must file a written notice of appeal and request for a hearing: (1) no later than a 10 days after the date the letter of charges was personally delivered; or (2) no later than 10 days after the date of delivery recorded on the certified mail return receipt; or (3) no later than 25 days after the date of mailing if the certified mail return receipt is not returned and the letter of charges was mailed to the employee's address on file. The Commission may, for good cause, grant an additional five days in which to file an appeal. In the absence of a timely appeal, the order of suspension, dismissal or demotion shall be final without any action of the Commission."

Article XI Section 1103: City Charter Disciplinary Appeals: "No employee in the classified service shall be suspended, discharged or reduced in classification for disciplinary reasons until the employee has been presented with the reasons for such action specifically stated in writing. The employee shall have the right to appeal such action to the Commission in accordance with the procedures specified in its rules. The reasons for such action and any reply thereto by the employee, shall be filed in writing with the Commission."

- **Establishing Elements of Violation**

Existence of facts establishing a violation of the law, ordinance or rule, is all that is necessary to support any allegation of such a violation as a basis for a charge under this section. It is not necessary that a formal criminal complaint be filed or sustained.

3.2 GENERAL RESPONSIBILITIES - EMPLOYEES

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While on duty, employees shall take appropriate action at all times to:

- Treat all persons equally and with fairness, regardless of race, ethnicity, creed, sexual orientation, disability or social status
- Be responsible for the protection of life and property from criminal attack and in emergency situations when the welfare of the community is threatened
- Enforce all State and local laws in a reasonable and prudent manner
- Enforce local ordinances relating to the control of crime and regulation of conduct
- Take such action as may be necessary and operate in such a manner as to assure the citizens of the City that orderly activities of the community may proceed without disruption from criminal and irresponsible elements
- Cooperate with and assist citizens of the community and units of the City, County, State and Federal Government with such problems and in such situations as customs and traditions dictate, in matters both criminal and non-criminal
- Be responsible for the care, handling, security and proper disposition of property obtained during the performance of their duties. The arresting officer is responsible for the security of all personal property in the possession or under the control of the arrestee at the time of arrest. With the exception of vehicles, this responsibility is transferred to Booking Desk personnel or transporting officers when they accept custody of the arrestee
- Unless otherwise directed, employees shall report to their daily assignment at the time and place specified, and shall be properly uniformed and equipped. They shall give careful attention to orders and instructions, avoiding unnecessary talking or movement

3.3 TRUTHFULNESS

Employees are required to be truthful at all times. Employees shall not knowingly falsify any official report or enter or cause to be entered any inaccurate, false or improper information on the books, records or registers of the Department.

3.4 CONDUCT TOWARD THE PUBLIC

Employees shall be courteous and orderly when working with the public. Employees shall perform their duties quietly, avoiding harsh, violent, profane or insolent language, and shall always remain in control of their behavior regardless of provocation. On request, employees are required to supply their names and Departmental ID Number (DID #) or the names and DID # of other employees. Employees shall respond to requests from the public quickly, efficiently and in a courteous and professional manner, avoiding unnecessary referral to other parts of the Department.

Impartial Attitude

Employees shall remain impartial toward all individuals with whom they come in contact. **All** citizens are guaranteed equal protection under the law. Exhibiting partiality for or against a person because of race, sex, national or ethnic origins, age, influence, or for

any other reason, is considered conduct unbecoming an officer. Similarly, unwarranted interference in the private business of others when not in the interests of justice is also considered conduct unbecoming an officer.

3.5 CONDUCT ON-DUTY - PROHIBITED ACTIVITY

Employees are prohibited from engaging in the following activities while on-duty:

- Consumption of alcohol/intoxicants by Departmental personnel **unless consumed to further a police purpose.** (Also see 3.24, 3.25)
- Sleeping
- Recreational reading (excluding lunch hour)
- Conducting personal business (excluding lunch hour)
- Gambling (unless to further a police purpose)
- Loafing (failure to be attentive to police business)

3.6 PERSONAL CONDUCT

Employees shall be courteous and civil at all times in their relationship with one another. On-duty, and particularly in the presence of other officers, employees or the public, officers shall be referred to by rank. (Also see 3.11)

3.7 STANDARD OF CONDUCT

Employees shall conduct their private and professional lives in such a manner as not to harm the integrity or reputation of the Department.

3.8 COOPERATION

Cooperation between the ranks and units of the Department is essential to effective law enforcement. Therefore, all members are strictly charged with establishing and maintaining a high spirit of cooperation with the Department.

3.8.1 COOPERATING IN DEPARTMENTAL INVESTIGATIONS

Employees are required to answer questions or provide material and relevant statements to the proper authority in a Departmental personnel investigation, when directed. Failure to comply may result in the employee being found insubordinate and subject to disciplinary action.

3.8.2 ADMINISTRATIVE LEAVE

The Chief of Police retains the discretion to assign any employee to Administrative Leave during the course of an investigation into allegations of serious misconduct. Investigations involving an assignment to Administrative Leave will be completed as

quickly as possible. While assigned to Administrative Leave an employee will continue to receive pay and benefits.

When assigned to Administrative Leave, employees must remain at their residence (or other location approved by the Internal Affairs Division Commander or his or her designee), during a set schedule as determined by the Internal Affairs Division Commander or his or her designee. An employee on Administrative Leave is required to perform any work they are assigned, to remain on call at the assigned location of Administrative Leave, and report in to the assigned Department representative at the directed times. Additionally, an employee assigned to Administrative Leave is required to physically report to any work location as directed by the Internal Affairs Division Commander or his or her designee.

Employees on Administrative Leave may request the use of holiday time, vacation time or banked overtime by contacting their assigned Department representative and obtaining prior approval. Employees assigned to Administrative Leave who become ill and are unable to fulfill their work duties may use sick time by notifying their assigned Department representative. Employees assigned to Administrative Leave are not permitted to engage in collateral employment during their scheduled hours.

While assigned to Administrative Leave, employees are prohibited from acting in an official capacity. Employees are prohibited from representing themselves as a law enforcement officer, and from donning any department uniform or equipment. Employees who are directed to do so must return department issued equipment, uniforms, badges and identification to the Department.

3.9 RELATIONSHIPS BETWEEN EMPLOYEES

Camaraderie among employees is healthy for the employing organization and a necessary ingredient in a successful, productive and fulfilling occupation. However, public trust requires that employees avoid a conflict between their professional responsibilities and their personal relationships with other employees.

Corrected 05/26/04